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Viewing cable 08SANSALVADOR1373, SALVADORANS DISCUSS CRISTIANI CASE IN MADRID

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#08SANSALVADOR1373.

Reference ID	Created	Released	Classification	Origin
08SANSALVADOR1373	2008-12-16 23:05	2011-08-30 01:44	CONFIDENTIAL	Embassy San Salvador

Appears in these articles:

<http://www.wikileaks.elfaro.net/es/201106/notas/4325/>

VZCZCXYZ0002
PP RUEHWEB

DE RUEHSN #1373 3512305
ZNY CCCCC ZZH
P 162305Z DEC 08
FM AMEMBASSY SAN SALVADOR
TO RUEHC/SECSTATE WASHDC PRIORITY 0463
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE
RUEHMD/AMEMBASSY MADRID 3632

C O N F I D E N T I A L SAN SALVADOR 001373

SIPDIS

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E.O. 12958: DECL: 12/15/2018
TAGS: [PGOV](#) [PREL](#) [ES](#) [SP](#)
SUBJECT: SALVADORANS DISCUSS CRISTIANI CASE IN MADRID

Classified By: Robert I. Blau, CDA, for reasons 1.4 (b) and (d)

¶1. (C) Summary: Senior political figures from left and right in El Salvador traveled to Madrid in early December to discuss with the GOS the suit against former President

Cristiani regarding the 1989 murder of six Jesuit priests. Deputy Prosecutor of the Spanish Audiencia Nacional Burgos Pavon suggested to the Salvadorans the case would fail on its merits since it had been tried in Salvadoran courts and did not meet the threshold of genocide or a crime against humanity. Other Spanish officials reportedly expressed embarrassment at this and other similar cases. End Summary.

12. (U) According to media and other reports, U.S. and Spanish human rights groups, with support of surviving relatives of the victims, filed a lawsuit in Spanish court November 13 charging former El Salvador president Alfredo Cristiani (1989-1994) with covering up crimes against humanity in the 1989 murder of six Jesuit priests. The suit also accuses 14 former Salvadoran military officers of war crimes, murders, and state terrorism in connection with the same murders. Two military officers were convicted of murder in 1991 in the deaths of the Jesuits, but were pardoned in 1993 under El Salvador's Amnesty Law.

13. (C) At the request of El Salvador's post-war ex-Presidents, former Minister of Justice and of Foreign Affairs Oscar Santamaria and former (left-wing) FMLN negotiator and peace accords signatory Salvador Samayoa traveled to Madrid December 7-10 to meet with GOS officials regarding the Cristiani case. Samayoa told PolCouns December 12 he and Santamaria met with Fernando Burgos Pavon, the Deputy Prosecutor for the National Court (Audiencia Nacional), who must prepare a report to the court on the complaint. Samayoa said Burgos told them he viewed assertions of so-called "universal jurisdiction" as without merit, since the case had been tried in El Salvador. In addition, the case did not qualify as a crime against humanity or genocide, but was merely a common crime. Burgos suggested two possible ways forward. First, delay, by making inquiries via official (i.e., glacially slow) diplomatic channels regarding handling of the case in El Salvador's judicial system. Second, acceleration, where the GOES could proactively submit information (instead of waiting for a request from Madrid) on how the case was handled. Burgos reportedly offered no preference between these options.

14. (C) Samayoa said it was clear the GOS, including Secretary of State for Latin America Trinidad Jimenez at MFA, as well as interlocutors at La Moncloa (the office of the Spanish head of government) and at the Ministry of Justice, were dealing with the GOES as "friends and partners". He said they expressed embarrassment about this and other cases before the Audiencia Nacional, including cases against members of the current U.S. administration and "half" the government in Beijing. Samayoa said the Salvadoran Ambassador in Madrid had spoken to the Chief Prosecutor of the Audiencia Nacional the previous week and had received a similar message of support and cooperation. He said it had been impossible to meet with former President Felipe Gonzalez this trip.

15. (C) Comment: The murder of the Jesuits was an event of pre-meditated cruelty that had the effect of accelerating efforts to find a peaceful solution to the Civil War. Cristiani was part of that search for a solution and had been dealing personally with some of the Jesuits. Across the political spectrum, our interlocutors have expressed dismay at the charges against Cristiani, almost universally rejecting outside interference in reopening cases from El Salvador's civil war that were dealt with by the peace commission and covered by El Salvador's Amnesty Law. It seems unlikely this case in Spain will become an issue in 2009 elections.

BLAU